IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.900 OF 2006
IN
CUSTOMS APPEAL NO.7 OF 2006

The Commissioner of Customs
(General) .. Appellant.

V/s.

M/s.S.S. Clearing & Forwarding
Agency Pvt. Ltd. .. Respondent.

Mr.S.M. Shah i/b. Dr.T.C. Kaushik for the appellant.

Mr.S.N. Kantawala i/b. Mr.Yogesh Rohira for the respondent.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 13TH APRIL, 2006.

P.C. :

Heard Mr.S.M. Shah, advocate for the revenue- applicant and Mr.S.N. Kantawala, advocate for the respondent.

2. Though the appeal has been admitted, in our considered view, no prejudice shall be caused to the revenue if the order of the Tribunal remains operative during the pendency of appeal.

3. The advocate for the respondent submits that the respondent is ready and willing to give an undertaking before this Court that while carrying on

the activity as Clearing House Agent under the CHA licence 11/453, the respondent shall abide by the regulations and conditions of licence and shall not do any act in breach of regulations and the conditions of the licence. He also submits that the respondent shall deposit fresh security amount as required under the said licence.

4. We, accordingly, dispose of this notice of motion by following order:

i) The respondent shall furnish an undertaking before this Court that while acting as Clearing House Agent under CHA licence 11/453, the respondent shall abide by the concerned regulations and the conditions of licence and upon breach of concerned regulations and/or conditions of licence, the appellant shall be entitled to take action against the respondent.

ii) The respondent shall deposit fresh security amount with the appellants within two weeks from today.

iii) Upon compliance of the aforesaid conditions, the respondent shall be entitled

to carry on the activity of Clearing House Agent under CHA licence 11/453.

iv) We clarify that any breach of the concerned regulations and/or conditions of the licence shall render the respondent liable to an action under the Contempt of Court's Act in addition to cancellation of the licence.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)